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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,391	01/28/2004	Douglas Dombrowski	DP-311282	3331
22851	7590	07/15/2005	EXAMINER	
DELPHI TECHNOLOGIES, INC.			LUONG, VINH	
M/C 480-410-202			ART UNIT	
PO BOX 5052			PAPER NUMBER	
TROY, MI 48007			3682	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/766,391

Applicant(s)

DOMBROWSKI ET AL.

Examiner

Vinh T. Luong

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


Vinh T. Luong
Primary Examiner

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Attachment.

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1. The Amendment filed on June 27, 2005 has been entered.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Heling (US Patent No. 4,607,884).

Regarding claim 1, Heling teaches a two position, spring biased lever system comprising a lever 62 that pivots on a support 68 between a first position (Fig. 3 or 3A) and a second position (Fig. 4), and a spring 70 having an arm (unnumbered. See Attachment) that engages the lever 62 to hold the lever 62 in the first position and concurrently biases the lever 62 toward the second position.

Regarding claim 2, Heling teaches a two position, spring biased lever system comprising a lever 62 that pivots on a support 68 between a first position (Fig. 3 or 3A) and a second position (Fig. 4), said lever 62 comprising a notch 76, and a spring 70 having a spring arm (Att.) that engages the notch 76 in the lever 62 to hold the lever 62 in the first position while biasing the lever 62 toward the second position when the lever 62 is in the first position.

Regarding claim 3, Heling teaches a two position spring biased lever system comprising a lever 62 that pivots on a support 68 between a first position (Fig. 3 or 3A) and a second position (Fig. 4), said lever 62 having a notch 76, and a torsion spring 70 having a tangential spring arm (Att.) that is attached to a central coil (at 68 in Fig. 3) at one end and that has a distal end 74 engaged in a notch 76 of the lever 62, the torsion

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spring 70 being stressed so that the spring arm (Att.) holds the lever 62 in the first position when the distal end 74 is in the notch 76 while biasing the lever 62 toward the second position, the spring arm (Att.) moving the lever 62 to the second position when the distal end 74 is *partially* disengaged from the notch 76 (Fig. 4).

Claim 3 is anticipated by Heling because Heling's distal end 74 is *partially* disengaged from the notch 76 when the lever 62 is moved to the second position as seen in Fig. 4. On the other hand, Heling's distal end 74 of the spring arm is capable of being disengaged from the notch 76 if the user moves the seat back 14 forwardly as seen in Figs. 7-10 with a sufficient force. See *In re Schreiber*, 44 U.S.P.Q.2d 1429 (CAFC 1997)(A reference may be from an entirely different field of endeavor than that of the claimed invention or may be directed to an entirely different problem from the one addressed by the inventor, yet the reference will still anticipate if it explicitly or inherently discloses every limitation recited in the claims).

Regarding claim 4, the distal end 74 of the spring arm (Att.) when *partially* released from the notch 76 slides along a surface (Att.) of the lever 62 to bias the lever 62 to the second position.

Regarding claim 5, the distal end 74 of the spring arm 70 is a *substantially* perpendicular end portion of the spring arm (Att.), which when *partially* released from the notch 76 slides along a surface (Att.) of the lever 62 to bias the lever 62 to the second position.

Regarding claims 6 and 7, the spring arm (Att.) has a length L-1 (Att.) measured from its pivot to the distal end, wherein the lever has a length L-2 (Att. 2) measured from its pivot to the notch, and wherein the system has a length L-3 measured

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from the pivot of the spring arm to the pivot of the lever ($L-3 = 0$ because the pivot of the spring arm coincides with the pivot of the lever) and wherein the sum of the length $L-1$ and the length $L-2$ exceeds the length $L-3$ (which is equal to zero) when the lever is in the first position as seen in Fig. 3 or 3A.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Hammond (lever 190 with a notch) and Roberts (spring 270).

5. Applicant's arguments filed June 27, 2005 have been fully considered but they are not persuasive.

The previous objection to specification and rejection under 35 USC 102 over admitted prior art or Lautenschlager'884 are withdrawn in view of Applicant's amendment. However, since, e.g., Applicant's amended claims 2 and 3 now affirmatively recite that the lever includes a notch, therefore, the amended claims necessitated new grounds of rejection as seen above.

6. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 571-272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luong

July 11, 2005



Vinh T. Luong
Primary Examiner

ATTACHMENT

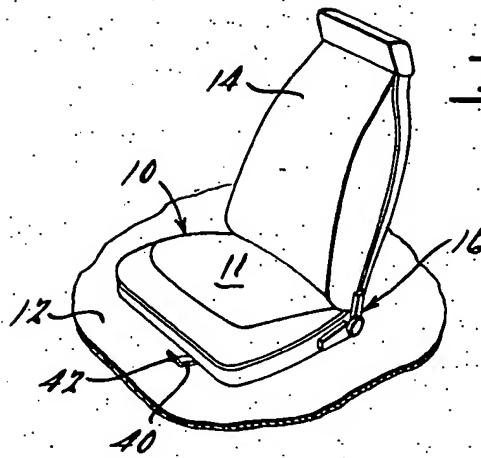


FIG. 1.

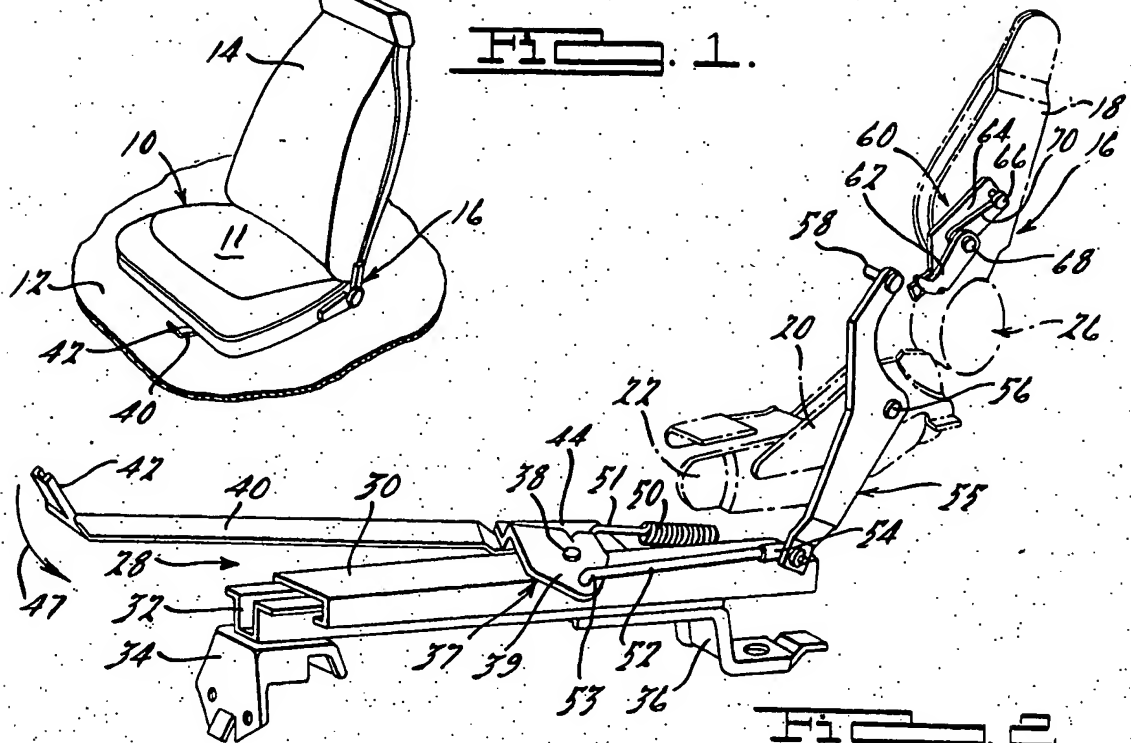


FIG. 2.

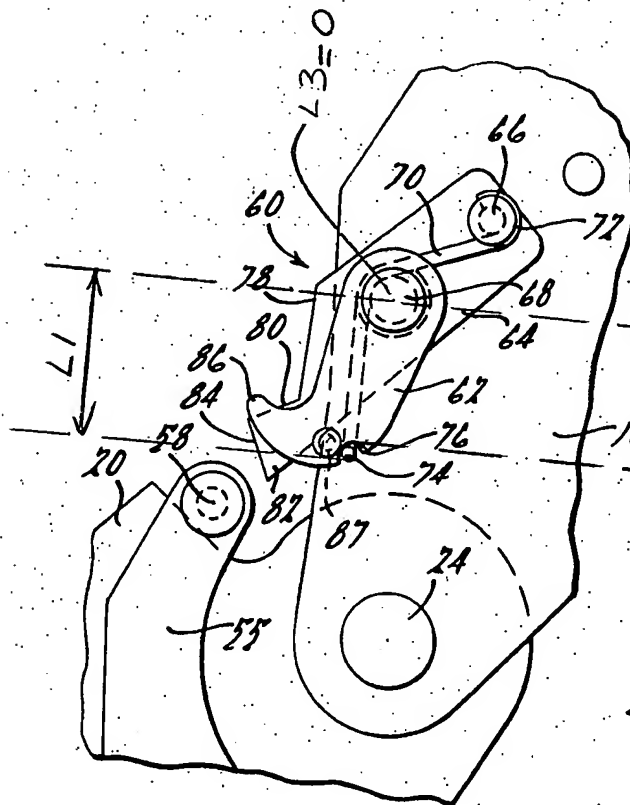


FIG. 3.

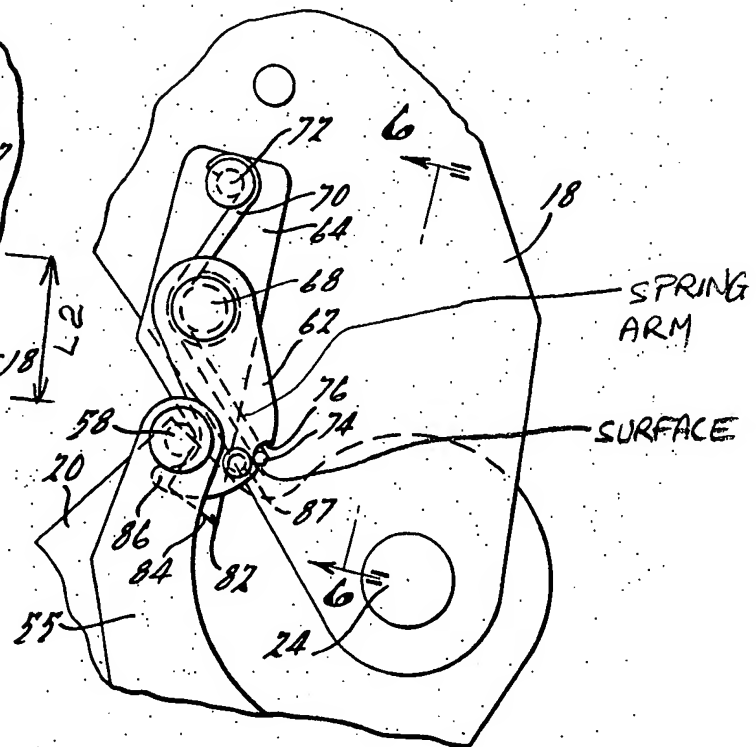


FIG. 4.

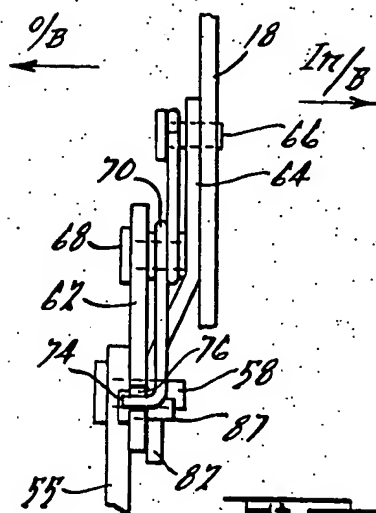


FIG. 1.

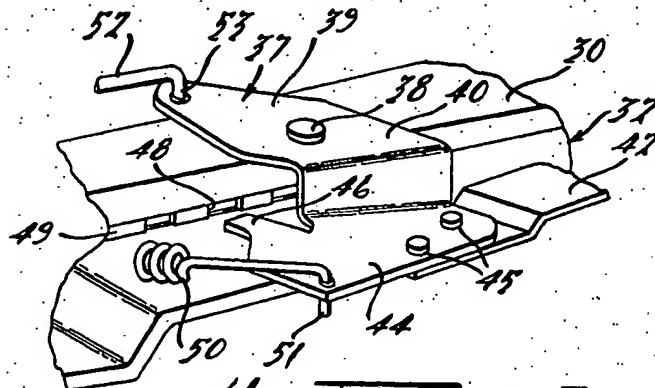


FIG. 2.

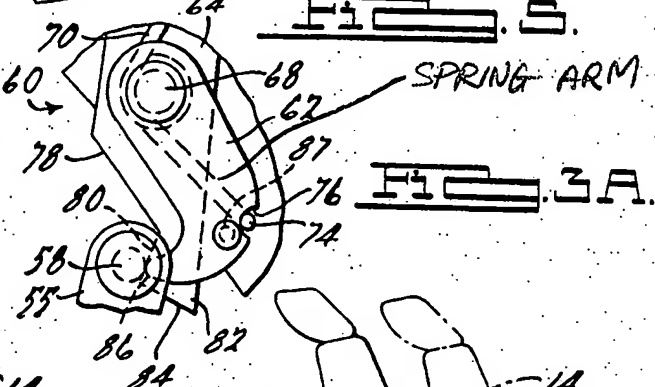


FIG. 3A.

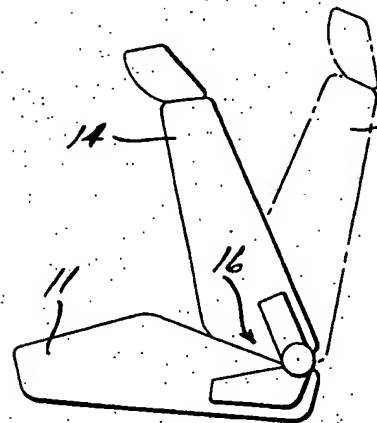


FIG. 4.

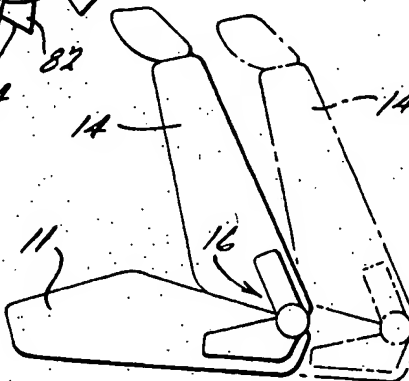


FIG. 5.

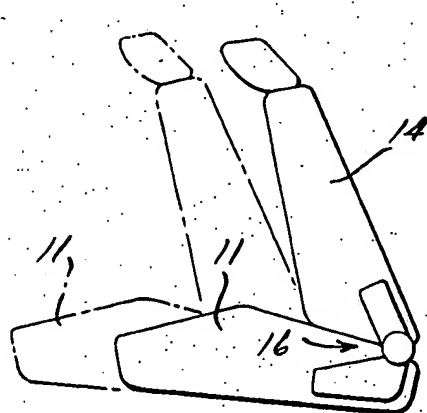


FIG. 6.

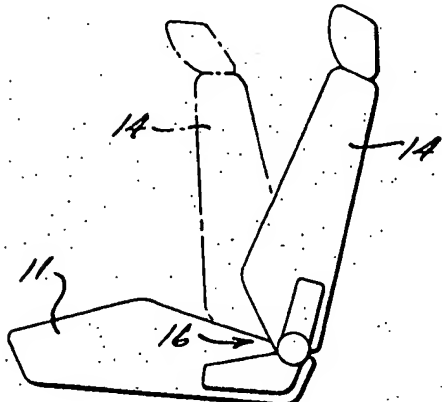


FIG. 7.